

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
February 9, 2012
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	EDWARD OLGA	PRESENT
Town Solicitor, Edward McNally – Present		
Town Manager, John Giles – Present		
Chief of Police, Laura Giles – Present		

PUBLIC COMMENT:

APPROVAL OF MINUTES:

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the January 12, 2012 Council Meeting with no corrections. The motion was seconded by Councilman Jaremchuk.

VOTE: 7-0 All-in-Favor Motion carried

PUBLIC COMMENT:

At this time Representatives from the University of Delaware presented the Complete Communities Outreach Program.

OLD BUSINESS:

Consideration for Third and Final reading of Ordinance 544.

ACTION: A motion was made by Councilman Jaremchuk to consider Ordinance 544 for Third and Final reading. The motion was seconded by Councilman McKewen.

Councilman Jaremchuk stated that while exempting the transfer tax is a fantastic idea the Town is not in the right place fiscally to continue to offer this exemption.

VOTE: 7-0 All-in-Favor Motion carried

NEW BUSINESS:

Consideration for First and Second reading of Ordinance 545.

ACTION: A motion was made by Councilwoman Personti to consider Ordinance 545 for First and Second reading. The motion was seconded by Councilman Jaremchuk.

VOTE: 7-0 All-in-Favor Motion carried

Consideration for First and Second reading of Ordinance 546.

Town Manager John Giles announced that this ordinance is no longer necessary and that he would like to withdraw it from the agenda.

Consideration of the extension of the current contract with Waste Management for Solid Waste Removal.

Town Manager John Giles announced that the current Waste Management expires on April 30, 2012, however Waste Management intends to expire it on June 30, 2012 which is the end of the current fiscal year. The Council must decide whether it wants to place the garbage contract up for public bid or if they would like to exercise their contract right to negotiate their second three year contract extension. He stated that he has met with Waste Management and discussed the current contract and they have indicated that they are very interested in negotiating a contract extension.

Councilman Jaremchuk stated that he has not received any complaints regarding the current Waste Management contract within his district or others and would like to re-negotiate the contract.

ACTION: A motion was made by Councilman Jaremchuk to renegotiate the contract with Waste Management. The motion was seconded by Councilman Burg.

Councilwoman Personti stated that on the two occasions that she has been on council and the contract has gone up for public bid that Waste Management seemed to have the most to offer to the Town and its residents.

Mayor Norkavage stated that Waste Management has been very helpful and cooperative during the implementation of the Recycling Program and that there are still hurdles to cross

Ron Russo, President of the Dogwood Hollow Maintenance Corporation, stated that Waste Management has its good side, however, they do commonly have leaks of fluids along the streets leaving marks and polluting the environment and would like to see if that could be addressed during the contract negotiations.

VOTE: 7-0 All-in-Favor Motion carried

ACTION: A motion was made by Councilman Jaremchuk that he and Councilman Burg be present for the contract negotiations. The motion was seconded by Councilman Burg.

VOTE: 7-0 All-in-Favor Motion carried

Update on actions taken at the Elsmere Police Pension Committee meeting held on January 25, 2012.

Mayor Norkavage updated the Council of the changes that the Committee has recommended, changing the name to the Town of Elsmere Pension Committee, changing the membership of the Committee and the duties of the Committee.

Councilman Jaremchuk stated that in order to have all plans represented on the Committee it will call for the removal of at least one citizen from the Committee.

Councilwoman Personti asked that if the Committee's Membership is changed that the expiration of all of the terms be updated as well.

Town Manager John Giles stated that there are three questions, who would the council like to appoint the citizen that will serve on the new committee.

Council agreed that the Council should decide that citizen.

Town Manager John Giles asked who would the council like to be the Chair of the new Committee.

Councilman Jaremchuk stated that he believes that the Mayor should be the Chair of the Committee.

Town Manager John Giles questions why the Committee would have a member who participates in the State of Delaware Pension Plan when the Committee has no role in the maintenance or benefits of that plan, the participants are required to speak with the State of Delaware regarding that plan.

A lengthy discussion occurred questioning what if a participant had a problem with the Pension Plan and what the Town would be able to do regarding those and what if the Town were to choose to no longer participate in that plan.

Discussion concerning the FY 2012-2013 Budgets.

Mayor Norkavage stated that this year the budget is going to be very tough and that the Council is going to have some difficult choices to make and that she would like to make sure that there is plenty of time available to discuss the budget.

Councilman Burg stated that it would be unfair to start cutting into the budget now with 5 months left in the budget year and without the licenses and such being billed yet.

Mayor Norkavage asked when the licenses are billed and received.

Town Manager John Giles stated that the licenses are billed on March 1st and are due by March 31st and that by then there should be a way to project the end of the year numbers to begin the budget process.

Councilman Burg asked if it would be possible to have the budget ready for presentation by April 19th.

Town Manager John Giles stated that he believed that with the upcoming discussion that have to occur that it would be reasonable to present in April.

ACTION: A motion was made by Councilman Burg to schedule a Special Council Meeting on April 19, 2012 at 6:30PM for the purposes of a Budget Hearing. The motion was seconded by Councilman Jaremchuk.

VOTE: 7-0 All-in-Favor Motion carried

Discussion regarding the transfer of funds to the Elsmere Police Pension Fund.

Town Manager John Giles discussed the oversight which occurred regarding the transfer of funds into the Elsmere Police Pension Fund. He stated that the mistake has been addressed and that the employee who made the mistake has been spoken too and that it will not be an issue again. He stated that all funds which were transferred to cover the mistake have been reimbursed and all funds are the way they should be.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report. The licenses are getting ready to be mailed out and the billing will be done differently, Out-of-Town businesses will no longer receive an invoice they will receive an optional letter asking if they are interested in renewing. This is to address concerns that were raised by the Town Auditor in writing off unpaid amounts at the end of the year. The new code software has increased the income for the year by \$30,000.00 for unpaid fees that were billed as well as delinquent taxes have gone down by \$35,000.00 leaving the delinquent taxes down to 2.9% of the total billed amount.

Mayor Norkavage asked what the recourse is for an applicant who applies for a permit and completes the work prior to proper approvals.

Town Manager John Giles stated that the recourse would be that should the approval be denied the Town would require that the work be removed to taken down.

Mayor Norkavage asked if a fine existed for such a situation.

Councilman Jaremchuk stated that Councilman Burg would be proposing an ordinance to create such a fine.

Finance

Town Manager John Giles presented the written report and the proposed account changes to the M & T Bank Accounts.

ACTION: A motion was made by Councilman Jaremchuk to approve the banking changes as presented by the Finance Director on the document date 2/2/2012. The motion was seconded by Mayor Norkavage.

VOTE: 7-0 All-in-Favor Motion carried

Public Safety

Chief Laura Giles announced that on January 12, 2012 there was a fatal accident on the Route 2 Viaduct and Officer Zajakowski did great job investigating that accident. Chief McLaren had participated in the Condor Evidence Program and the equipment has been returned and was not compatible with the system that the Department has been using. The Department has qualified with their new weapons and January 31, 2012 was Theresa's Last day. The Department revenue was not in on time for the agenda but has come in and will be on the next report.

Councilwoman Personti stated that there are no totals at the bottom of the monthly activity report.

Mayor Norkavage asked if there have been any complaints regarding the group that meets at the Elsmere Presbyterian Church on Tuesday Evenings. They are rowdy and loud and speeding.

Chief Laura Giles stated that she had not received any complaints but would check it out.

Councilwoman Personti asked if there are any updates regarding nuisance properties.

Chief Laura Giles stated that there are still 3 properties where collection efforts are continuing.

Councilwoman Personti asked if the Chief was able to speak with the owners of Fenwick Apartment regarding the problems at their site.

Chief Laura Giles stated that she has spoken with the owner from New Jersey and that the concerns have been addressed and the fines have been paid.

Councilman Kacperski asked the status of the applications received for the eligibility list.

Chief Laura Giles stated that there is still another week before the deadline and that they will review the documents then and determine the eligibility list.

Mayor Norkavage asked what the status of the Summer Officers is.

Chief Laura Giles stated that the funds are available within their budget.

Councilman Jaremchuk stated that there was a grant that the Department has been obtaining from CJC for the funds for that program.

Chief Laura Giles stated that she will look into that grant and see what funds are available.

Public Works

Town Manager John Giles presented the written report.

Councilman Jaremchuk asked about the yellow curb on Brier Avenue.

Town Manager John Giles confirmed that the curb has been painted.

Councilman Burg asked about the stop sign at Linden Avenue and Elm Avenue, he stated that there appears to be a faded yellow curb at the location and asked if could be repainted.

Mayor Norkavage asked what is the status of the fence painting project along Vilone Park.

Town Manager John Giles stated that if the final resident approves the project is should be this spring or summer.

Town Manager

Town Manager John Giles stated that he spoke with Councilman Reda regarding the creek maintenance who stated that it has been scheduled and that Jim Hedrick has not been able to provide the maintenance schedule for the creeks. He announced that the Town Wide Clean-up Day will be April 21, 2012 to coincide with Earth Day on April 22, 2012 assuming that the Waste Management will renew the contract. He stated that he received the contract for participation in the Mosquito Control Program and would the Council like to participate in that program.

ACTION: A motion was made by Councilwoman Personti to participate in the Mosquito Control Program. The motion was seconded by mayor Norkavage.

VOTE: 7-0 All-in-Favor Motion carried

Town Manager John Giles stated that the Belvedere Fire Company has received a grant to install solar panels on the building and that the Town will be looking into this program to install panels at Town Hall and the Public Works Shop. He announced that the League of Local Governments is going for its congressional visit on March 14, 2012; interested parties must sign up by February 24, 2012. DNREC has announced that they are accepting grants for the Multi-Family Residential Recycling Program and that he has spoken with Waste Management on their suggestions to address this program. He announced that an Executive Session is necessary to receive legal advice from Mr. McNally.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – None

District 2 – None

District 3 – None

District 4 – None

District 5 –

Councilwoman Personti asked for information regarding the Planters for the Fire Lane.

Town Manager John Giles stated that the State Fire Marshalls Office has stated that if this remains the primary entrance to the property that the Town cannot block off the lane.

Councilwoman Personti asked if we have heard anything more from DelDOT regarding the signs along Kirkwood Hwy.

Town Manager John Giles stated that she has been copied on all of the correspondence.

Councilwoman Personti announced that the Annual 5th District Meeting will be March 28th at 7:00pm.

District 6 – None

Mayor – None

PUBLIC COMMENT:

ADJOURNMENT:

ACTION: A motion was made by Councilman Jaremchuk to adjourn into an Executive Session for legal issues and not to return to the public. The motion was seconded by Councilwoman Personti.

VOTE: 7-0 All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY